



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,233	12/15/2003	Anthony Lopez	LOPEZ-P001	6368

7590 02/24/2006

Fernandez & Associates, LLP
PO Box D
Menlo Park, CA 94026-6402

EXAMINER

FRECH, KARL D

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,233

Applicant(s)

LOPEZ ET AL.

Examiner

Karl D. Frech

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/05</u> | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's affidavit and response filed 12/6/05 have been considered.

Applicant's affidavit is sufficient to predate the reference to Marin. The references to Bucholz and Mitschelle remain effective as prior art.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitschelle et al 5,777,951 in view of Marin US Pub 2005/0068196. Mitschelle discloses a parking meter 10 with an associated parking space 12. There is disclosed a remote monitoring station 16. The parking meter 10 includes a microcontroller 18 and a timer 20. There is disclosed a vehicle detector 22 which is focused at the parking space 12 and coupled to the microcontroller 18. The vehicle detector detects the presence or absence of a vehicle. A communication modem 26 is also associated with the parking

Art Unit: 2876

meter, as is a digital camera 28 that is also focused on the parking space 12. See column 2 line 58 – column 3 line 10. It is disclosed that when the presence of a vehicle is detected but no payment has been received, the camera takes a picture of the license plate. See column 3 lines 11-44. Mitschelle does not specifically disclose an unique identification code for the individual parking meters in the network. However, Mitschelle does disclose a one to one correspondence between a parking meter and a single parking space. Official Notice is taken that assigning identifiers, such as numbers, to discrete objects in a plurality of similar objects is old and well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a unique identification code for an individual parking space/meter. This would facilitate location of a subject parking meter for parking enforcement and accounting purposes. Mitschelle does not disclose that the housing of the parking meter is titanium. Notice is also taken that titanium is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to house the parking meter in titanium for its inherent strength, durability and resistance to the elements. Mitschelle does not disclose towing violating vehicles. Notice is also taken that tow trucks and enforcement of parking by use of towing is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to tow violating vehicles in order to enforce parking restrictions. (It is noted that Applicant does not traverse the above holdings of Official Notice).

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitschelle as applied to claim 26 above, and further in view of Bucholz et al US

Art Unit: 2876

2004/0201460A1. Mitschelle does not disclose that the parking meter is used in connection with the Amber Alert system. Bucholz discloses connecting cameras incorporated into traffic management systems to the Amber Alert system [0051]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the camera system of Mitschelle into the Amber Alert system, as this would positively locate a subject vehicle to aid in the rapid rescue of violated individuals.

6. Applicant's arguments filed 12/6/05 have been fully considered but they are not persuasive. Applicant's affidavit is sufficient to overcome the rejection of the independent claims 1,10 and 28 by removing Marin as prior art. However, all the limitations of current claim 26 are found within Mitschelle and the Well Know Prior art as seen in the rejection above.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Frech
Primary Examiner
Art Unit 2876
